

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. CR07-190-JCC
)	
v.)	PROPOSED FINDINGS OF FACT
)	AND DETERMINATION AS TO
MICHAEL JOHN OVERTON,)	ALLEGED VIOLATIONS OF
)	SUPERVISED RELEASE
Defendant.)	

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on July 14, 2010. The defendant appeared pursuant to warrant issued in this case. The United States was represented by Norman Barbosa, and defendant was represented by Peter Camiel. Also present was U.S. Probation Officer Carol Chavez. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on April 16, 2008 by the Honorable John C. Coughenour for Bank Fraud and Aggravated Identity Theft. He received 36 months of detention and 5 years of supervised release.

PRESENTLY ALLEGED VIOLATIONS

In a petition dated May 26, 2010, U.S. Probation Officer Sara K. Moore alleged that

1 defendant violated the following conditions of supervised release:

- 2 1. Using methamphetamine on or before 4/28/2010, 5/2/2010, and 5/16/2010, in
3 violation of standard condition 7.
- 4 2. Using amphetamine on or before 5/25/2010, in violation of standard condition 7.
- 5 3. Failing to report for urinalysis testing on 6/14/2010 and 6/22/2010, in violation of
6 the special condition that he participate in a program for treatment of narcotic
7 addition, drug dependency, or substance abuse, which may include testing.
- 8 4. Failing to report as directed to the U.S. Probation Office on 6/17/2010, in violation
9 of standard condition 2.

10 FINDINGS FOLLOWING EVIDENTIARY HEARING

11 Defendant admitted the above violations, waived any hearing as to whether they occurred,
12 and was informed the matter would be set for a disposition hearing on August 6, 2010 at 9:00
13 a.m. before District Judge John C. Coughenour.

14 RECOMMENDED FINDINGS AND CONCLUSIONS

15 Based upon the foregoing, I recommend the court find that defendant has violated the
16 conditions of his supervised release as alleged above, and conduct a disposition hearing.

17 DATED this 14th day of July, 2010.

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21 BRIAN A. TSUCHIDA
22 United States Magistrate Judge
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